## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

CARLOS LASHAN DAVIS,	)	
Petitioner,	)	1:12CV507
V.	)	1:07CR89-1
UNITED STATES OF AMERICA,	)	
Respondent.	)	

## **ORDER**

On May 16, 2014, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. No objections to the Recommendation have been filed. Therefore, the Court need not make a *de novo* review and the Magistrate Judge's Recommendation [Doc. #117] is hereby adopted.

IT IS THEREFORE ORDERED that Petitioner's Motion to Vacate, Set Aside or Correct Sentence [Doc. #86] is GRANTED, that Respondent's Motion to Dismiss [Doc. #96] is deemed WITHDRAWN, and that the sentence set out in the Judgment [Doc. #34] is VACATED. The Clerk is directed to set this matter for resentencing. Petitioner remains in custody, and the United States Attorney is directed to produce Petitioner for the resentencing hearing. The Probation Office is directed to prepare a Supplement to the Presentence Investigation Report in advance of the hearing. Counsel will be appointed to represent Petitioner at the resentencing hearing.

This, the 12<sup>th</sup> day of June, 2014.

United States District Judge